

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 12428 of 2007

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Dated 20th August 2007

Between:

Pydaparthi Anandarao,
Razole Mandal, E.G.District and other.

.....Petitioners

and

The Regional Joint Commissioner(Endowments),
Kakinada, East Godavari District and others.

.....Respondents.

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ORDER:

The petitioners herein, who are cultivating tenants, claim to be in possession and enjoyment of small extents of land situated in different survey numbers of Katrenupadu Village, Rajole Mandal, East Godavari District belonging to the 3rd respondent temple. It is stated that they have been in possession and enjoyment of the lands for the past 30 years by paying Maktha to the 3rd respondent regularly.

It is pleaded that being landless poor persons, they are entitled to the benefit of Section 82 (2) of the Act. However, without considering their claim, the 3rd respondent proposed to conduct auction for granting of leasehold rights to the 3rd parties. Aggrieved by the said action, this writ petition was filed on 14.06.2007 contending that since the applications made on 11.6.2007 to declare them as landless poor persons are pending

before the 2nd respondent-Assistant Commissioner of Endowments, the 3rd respondent cannot be allowed to proceed with the public auction for grant of leasehold rights.

A detailed counter affidavit has been filed on behalf of the 3rd respondent temple stating that after A.P Charitable & Hindu Religious Institutions & Endowments Lease of Agricultural Lands Rules, 2003 were made, the petitioners were issued a notice under Rule 5(1) of the Rules on 19-5-2003 terminating the lease in their favour and calling upon them to handover the vacant possession of the land. The status of the petitioners thereafter is nothing but mere encroachers and therefore, the writ petition is misconceived and liable to be dismissed. It is also stated that in the auction conducted on 16-6-2007, a close relative of the petitioners was declared as the successful bidder and the possession was also handed over to him.

No affidavit in reply is filed by the petitioners contradicting the specific plea of the 3rd respondent that the notice in Form No.1 was issued long back in the year 2003. Even assuming that the petitioners made a representation before the 2nd respondent much thereafter on 11-6-2007 seeking to declare them as landless poor persons, the pendency of such proceedings will not entitle

the petitioners to seek a Writ of Mandamus restraining the 3rd respondent to conduct the auction for grant of leasehold rights in accordance with the Statutory Rules.

Accordingly, the writ petition is dismissed. Needless to mention that the interim order granted on 14-6-2007 shall stand vacated. No costs.

(G.ROHINI, J)

Date: 20th August 2007

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